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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

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|---|----------------------|------------------------|-------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/723,443 | |
| | Filing Date | November 26, 2003 | |
| | First Named Inventor | Werner Gruppe | |
| | Art Unit | 1661 | |
| | Examiner Name | Kent L. Bell | |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | 2625-030869 |

ENCLOSURES (Check all that apply)

| | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below) |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|----------------------------|---------------------------|--|--|
| Firm or Individual name | Patricia A. Olosky | | |
| Signature | <i>Patricia A. Olosky</i> | | |
| Date | August 12, 2004 | | |

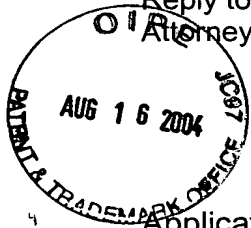
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| Typed or printed name | Florence P. Trevethan | | |
| Signature | <i>Florence P. Trevethan</i> | Date | August 12, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No. 10/723,443
Paper dated August 12, 2004
Reply to Notice of Non-Compliant Amendment dated August 3, 2004
Attorney Docket No. 2625-030869



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/723,443
Applicants : Werner GRUPPE et al.
Filed : November 26, 2003
Title : PRUNUS ROOTSTOCK NAMED 'GI 2091'
Group Art Unit : 1661 Confirmation No. : 5973
Examiner : Kent L. Bell Customer No. : 28289

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This is in response to the Notice of Non-Compliant Amendment dated August 3, 2004, in which a shortened statutory period for reply was set for one month. Applicants' Amendment of July 20, 2004, was deemed to be non-compliant because the claim was not provided with the proper status identifier.

Applicants submit herewith the "Amendments to the Claim" section of the August 20, 2004 Amendment (page 4), which has been corrected to include a proper status identifier for the claim.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 12, 2004.

Florence P. Trevethan
(Name of Person Mailing Paper)

Florence P. Trevethan 08/12/2004
Signature Date

{W0136057.1}

Application No. 10/723,443
Paper dated August 11, 2004
Reply to Notice of Non-Compliant Amendment dated August 3, 2004
Attorney Docket No. 2625-030869

Applicants were given one month from the mailing date of the Notice, namely, until September 3, 2004, to comply. This response is within that time period.

Respectfully resubmitted,

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